

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DENORRIS LAVELLE SANDERS,)
)
 Petitioner,)
)
 v.) 1:18CV808
)
 UNNAMED RESPONDENT,)
)
 Respondent.)

ORDER

On November 1, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2, 3.) Petitioner filed a document entitled "Notice: Answer Supplement" (Doc. 4) within the time limit prescribed by Section 636, and the court construes the document as Petitioner's objections.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Petitioner's document entitled as a "NOTICE" (Doc. 1) is construed as a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, and that this action is hereby **DISMISSED WITHOUT PREJUDICE** to

Petitioner filing a new petition, correcting the defects set out in the Order and Recommendation. The new petition must be accompanied by either the five dollar filing fee or a current application to proceed in forma pauperis. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 14th day of January, 2019.

William L. Osten, Jr.
United States District Judge